(N. S.) 1206; *Spangler* v. *St. Joseph & G. I .Ry. Co.*, 74 Pac. 607, 68 Kan. 46, 63 L. R. A. 634, 104 Am. St. Rep. 391; *Fewings* v. *Mendenhall*, 88 Minn. 336, 60 L. R. A. 601, 97 Am. St. Rep. 519, 93 N. W. 127; *McQuerry* v. *Metropolitan St. Ry. Co.*, 92 S. W. 912, 117 Mo. App. 255; ELLIS, ST. RY'S, Vol. I (2nd Ed.) § 274, and cases there cited. Some courts hold, however, that only ordinary care is required; *Chicago, etc. R. Co.*, v. *Pillsbury*, 123 Ill. 9, 14 N. E. 23, 5 Am. St. Rep. 483; *Exton* v.*Central R. Co.*, 63 N. J. L. 356, 46 Atl. 1099, 56 L. R. A. 508; *Tall* v. *Baltimore, etc. Co.*, 90 Md. 248, 44 Atl. 1007, 47 L. R. A. 120; *Illinois, etc. R. Co.* v. *Minor*, 69 Miss. 710, 11 South. 401, 16 L. R. A. 627. As to the degree of care required in protecting passengers against the lawless acts of strangers, see 4 ELLIOTT, RAILROADS, § 1591, § 1639. *Missimer* v. *Philadelphia R. R. Co.*, 17 Phila. 172; *Fewing* v. *Mendenhall, supra; Hillman* v. *Georgia R. and Banking Co.*, 126 Ga. 814, 56 S. E. 68.

CONSTITUTIONAL LAW—DIVISION OF POWERS—INFRINGEMENT ON EXECUTIVE. —Plaintiff asked for an injunction to restrain the board of election commissioners, consisting of three members (one of whom was the Governor of the State), from submitting a proposed new constitution to a vote of the people as was provided by law. *Held,* that the duties imposed upon the Governor as a member of the board of election commissioners were ministerial and did not pertain to the functions of the gubernatorial office, and consequently his presence upon that board would not preclude the issuance of the desired writ. *Ellingham, Secretary of State et al.* v. *Dye* (Ind. 1912) 99 N. E. 1.

By granting a restraining order against a board of which the Governor of the State is a member, the court follows the weight of authority on a question which presents irreconcilable conflict. For a collection of cases on the precise point raised in the principal case see 10 MICH. L. REV. 655. While most of the cases which have arisen on the question involved have been in the nature of mandamus proceedings, yet they are in point since the writs of mandamus and injunction are held to be correlative. POMEROY'S, EQUITY JURISPRUDENCE, Vol. I, § 328; *Noble* v. *Union River Logging Ry.*, 174 U. S. 172, 13 Sup. Ct. 273; *Board of Liquidation* v. *McComb*, 92 U. S. 531; *State ex rel. Lamb* v. *Cunningham*, 83 Wis. 90 (127), 51 N. W. 724, 17 L. R. A. 145, 35 Am. St. Rep. 37; *Mott* v. *Pennsylvania R. Co.*, 30 Pa. 9, 72 Am. Dec. 664.

CONSTITUTIONAL LAW—EMINENT DOMAIN—SUPERSEDURE OF ORDINANCE OF 1787.—The Louisville & Nashville Railway Company instituted proceedings for the condemnation of an easement across a waterfront strip of land donated to and used by the city of Cincinnati for a public landing. The city filed a bill asking that the railroad company be enjoined, contending that the statute, under which the proceedings were authorized, was contrary to the Ordinance of 1787 for the Government of the Northwest Territory. *Held,* that the Ordinance of 1787 was not a restriction on the power of eminent domain of the State of Ohio *after* its admission into the Union. *City of Cincinnati* v. *Louisville & Nashville Railroad Co.* (1912) 32 Sup. Ct. 267.

The land to be condemned had been dedicated to the use of the city and accepted as such in 1789 by a platting and sale of lots. This situation presented a contract obligation. Admitting that "there enters into every engagement the unwritten condition that it is subordinate to the right of appropriation to a public use," *West River Bridge Co.* v. *Dix,* 6 How. 507, 12 L. Ed. 535; *Long Island Water Supply Co.* v. *Brooklyn,* 166 U. S. 685, 692, 41 L. Ed. 1165; yet it was contended that the right of appropriation possessed by the State of Ohio was limited by the Ordinance of 1787. Consequently the statute, if violating that ordinance impaired the obligation of a contract. The error lay in not recognizing that each State on entering the union, came in stripped of such possible limitations because necessarily clothed with full sovereign powers like those possessed by the other States. *Escanaba & L. M. Transp. Co.* v. *Chicago,* 107 U. S. 678, 688, 27 L. Ed. 442, 446; *Coyle* v. *Smith,* 221 U. S., 559, 55 L. Ed. 853. Among these powers is that of eminent domain. Unless, therefore, Ohio has adopted the ordinance, it did not limit the power in that direction. Even assuming that the clause of the ordinance entered into the contract, that clause was not a grant, but rather a limitation upon the eminent domain power possessed by the territory as such, because of the enactment of and during the period of existence of the Ordinance itself.

CONSTITUTIONAL LAW—SPECIAL LEGISLATION—AUTOMOBILES.—A statute provided that "all civil actions for damages arising from the use and operation of any motor vehicle, * * * may be brought in the city or county in which the alleged damages are sustained, and service of process may be made by the sheriff of the county where the suit is brought, deputizing the sheriff of the county wherein the defendant in the suit, or his registered agent, resides, or where service may be had upon him, * * * in like manner as process may now be served in the proper county." Plaintiff brought an action in X county to recover damages for injuries caused by the negligence of defendant in driving his motor vehicle on a public highway in that county. The sheriff of X county deputized the sheriff of Y county, wherein defendant resides, to serve the writ of summons, and the sheriff of Y county made a return of service which is in all respects regular. Defendant appeals from judgment for plaintiff on the ground that the act under which the sheriff of X county deputized the sheriff of Y county to serve the summons is unconstitutional. *Held,* that the act in question is not objectionable for inequality, since persons who own, use, or operate automobiles may properly be classed together. *Garrett* v. *Turner* (Penn. 1912), 84 Atl. 354.

An arbitrary classification will not be sustained, *Gulf, Colorado & Santa Fe Ry. Co.* v. *Ellis,* 165 U. S. 150, but a classification having a rational basis is valid. *Barbier* v. *Connolly,* 113 U. S. 27. Trades, occupations and professions are proper subjects of classification. *Wheeler* v. *Philadelphia,* 77 Pa. 338. The classification in the principal case is justified by PORTER, J., as follows: "The operator of a motor vehicle, whose negligence has caused an injury on a public highway in a county other than that in which he has his place of residence, may not only at the time quickly withdraw from the county where the injury has been inflicted, but the speed at which he is able